

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

CIVIL ACTION NO.: 04-40113-FDS

ELIZABETH R. STEFFENBERG,)	(BBO#639293)
)	
Plaintiff,)	
)	
v.)	
)	
T. GENE GILMAN, STEVEN GILMAN,)	
THE GILMAN INSURANCE)	
AGENCY, INC., DAVID M. SCOLL,)	
ARBOR SECURITIES, LTD.,)	
ALLIANCE INVESTMENT)	
MANAGEMENT, COMMONWEALTH)	
FINANCIAL HOLDINGS INC.,)	
FINANCIAL LINKS, INC.,)	
T. GILMAN & CO., LTD.,)	
FIRST ALLIED SECURITIES, INC.,)	
PENSON FINANCIAL SERVICES, INC.,)	
AVIVA LIFE INSURANCE COMPANY,)	
TRADETEK, LTD., and)	
TRADETEK, LLC,)	
)	
Defendants.)	

JOINT MOTION TO AMEND SCHEDULING ORDER

Plaintiff Elizabeth R. Steffenberg ("Ms. Steffenberg") and Defendant David M. Scoll ("Mr. Scoll") hereby move this Court for an Order extending discovery in this matter up to and including October 31, 2005 and amending the remainder of the Scheduling Order accordingly.

As grounds for this Motion, the parties state that they have not completed discovery in this matter, and require additional time to do so. The additional time is made necessary by the motions that are currently pending before this Court and the likelihood that additional discovery may be required as a result of the Court's rulings on those motions. This requested extension

will not unduly delay the final resolution of this matter. Counsel for Defendant Aviva Life Insurance Company agreed in principle to the extension of the discovery deadline and the amendment of the tracking order, but was unable to agree with counsel for Ms. Steffenberg and Mr. Scoll on the exact wording of this Motion and therefore has not assented to this Motion.

Ms. Steffenberg and Mr. Scoll therefore request that the Scheduling Order be modified as follows:

Fact Discovery - Interim Deadlines

- a. All Requests for Production of Documents and Interrogatories must be served by.....October 31, 2005
- b. All Requests for Admission must be served by.....October 31, 2005
- c. All depositions, other than expert depositions, must be completed by.....November 28, 2005

Fact Discovery - Final Deadline. All discovery, other than expert discovery, must be completed by.....November 28, 2005

Status Conference.....To Be Determined

Expert Testimony

- a. Plaintiff's trial experts must be designated, and the information contemplated by Fed. R. Civ. P.26(a)(2) must be disclosed by.....January 27, 2005
- b. Plaintiff(s) trial experts must be deposed by.....March 28, 2006
- c. Defendant(s) trial experts must be designated, and the information contemplated by Fed. R. Civ. P. 26(a)(2).....February 27, 2006
- d. Defendant(s) trial experts must be deposed by.....March 28, 2006

Dispositive Motions

- 1. Dispositive motions, such as motions for summary judgment or partial summary judgment and motions for judgment on the pleadings, must be filed by.....April 11, 2006

2. Oppositions to dispositive motions must be filed within 14 days after service of the motion.

Pretrial Conference. A pretrial conference will be held.....To Be Determined

WHEREFORE, for the foregoing reasons, Plaintiff Elizabeth R. Steffenberg and Defendant David M. Scoll request that this Court issue an Order to extend discovery up to and including October 31, 2005 and to amend the Scheduling Order in accordance with the proposed scheduled outlined above.

Respectfully submitted,

Plaintiff,
ELIZABETH R. STEFFENBERG
By her attorneys,

Defendant,
DAVID M. SCOLL
By his attorneys,

/s/ Christine S. Collins

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TRADETEK, LLC,)	
)	
Defendants.)	

CERTIFICATE OF SERVICE

I, Christine S. Collins, hereby certify that I have this 31st day of August, 2005 served the foregoing by mailing a copy thereof, via first class mail, postage prepaid, to the following:

Rhonda L. Rittenberg, Esquire
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/s/ Christine S. Collins
Christine S. Collins